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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES,

Plaintiff,

v.

JAYDIN LEDFORD,

Defendant.

No. 2:19-CR-049-RMP

SENTENCING MEMORANDUM

1 **I. PROBATION IS THE APPROPRIATE SENTENCE**

2 *“You can’t come up with a formula to change the way you*
3 *experience the world.”*

4 Sylvia Nasar, A Beautiful Mind.

5 A variance from the Guidelines is appropriate. Jaydin’s motive for his
6 Facebook post was righteous; the means he took to do it, was not. But that is
7 because, he views the world through a different lens, with multiple mental health
8 issues, including autism, ADHD, anxiety and depression. Because of autism, he
9 has a difficult time understanding social cues and thus he would be vulnerable in
10 prison. Prison would exacerbate his anxiety, depression and physical pain for
11 which he is now receiving treatment. He is now in a better place than he was
12 with housing, social services, social security disability income, and treatment.

13 Probation is the appropriate sentence.

14 **A. The §3553(a) factors warrant a variance from the Guidelines**

15 In determining the appropriate sentence, district courts must follow the
16 framework of 18 U.S.C. §3553(a), imposing “a sentence sufficient, but not greater
17 than necessary” to (A) reflect offense seriousness, promote respect for the law, and
18 provide just punishment; (B) afford adequate deterrence; (C) protect the public; and
19 (D) provide the defendant with “needed educational or vocations training, medical

1 care, or other correctional treatment.” 18 U.S.C. §3553(a)(2). Simultaneously, the
2 court must consider the nature and circumstances of the offense and the history and
3 characteristics of the defendant. §3553(a)(1).

4 While the court is directed to consider the sentencing range established by the
5 Sentencing Commission, the United States Sentencing Guidelines are not
6 mandatory. *United States v. Booker*, 125 S. Ct. 738, 756-57 (2005).

7 **1. His motive was righteous; his means was not**

8 Jaydin Ledford experiences the world with an unique, beautiful, hyper-
9 stimulated mind, constantly in motion, constantly seeking solutions to the world’s
10 problems – climate change, the timeline for when the world will end, the need to
11 invest in hydrogen base engines, gun violence. His brain seamlessly jumps from one
12 urgent concern to the next.

13 In 2018, he had an urgent concern about Sherriff K. Washington State passed
14 Initiative 1639, requiring increased background checks, training, age limitations and
15 waiting periods for sales of semiautomatic assault rifles. O.K. publically proclaimed
16 the law unconstitutional. He proclaimed there was nothing in the law to enforce.
17 Jaydin was concerned, concerned that O.K. would not do his job. A pacifist by
18 nature, opposed to gun violence and anxious to do his part, Jaydin sent out
19 Facebook posts – “[O.K.] is gonna get a bullet in his skull;” “I1639 is law. Sheriffs

1 that are non compliant will be shot by me.” While hyperbole on his part, Jaydin’s
2 purpose was to threaten O.K. into enforcing the law.

3 Instead, Jaydin was indicted, arrested, pleaded guilty to posting a threat in
4 interstate communications and now awaits sentencing.

5 Jaydin’s guideline range is 18-24 months. As Jaydin pled to a Class D felony,
6 probation is permissible. It is also appropriate. He threatened O.K. to push the
7 sheriff to do his job – enforce gun control to prevent gun violence. A perfectly
8 reasonable end. His motive was righteous; his means was not.

9 **2. He views the world through a different lens**

10 To that end, Jaydin lives with autism, depression, attention-
11 deficit/hyperactive disorder (ADHD) and overanxious disorder. It is through this
12 lens, he views and responds to the world. This deep thinker, social justice warrior
13 and affable, gentle being is in a far better place than he was when he chose the
14 wrong means to get the sheriff to enforce Washington’s new gun control law.

15 **3. Jaydin would be vulnerable in prison**

16 “Individuals with autism spectrum disorder do poorly in correctional
17 settings.”¹ The inability to read social cues in a prison environment can be life-

18 ¹ Isbella Michna, MD and Robert Trestman, PhD, MD, *Correctional Management*
19 *and Treatment of Autism Spectrum Disorder*, J Am Acad Psychiatry Law 44:253-58, p.
253 (Nov 2, 2016) (available at <https://bit.ly/34LabS2>).

1 threatening. “The [criminal justice system] currently lags behind the community in
 2 recognizing and appropriately managing individuals with ASD.”² ASD prisoners
 3 are particularly vulnerable to other inmates’ predatory behavior “because of their
 4 naivete and inability to discern motives. Extortion and sexual predation are not
 5 unusual in these environments.”³

6 **4. He is in treatment for anxiety, depression and pain**

7 Jaydin is living with severe anxiety, depression and physical pain from
 8 scoliosis. In 2017, he was diagnosed with major depressive disorder, severe, with a
 9 high risk of future suicide. He was immediately seen at Okanogan Behavior Health
 10 and did well with cognitive and behavioral therapy. (PSI 60) He is back involved
 11 with counseling and sees a counselor on a weekly basis.

12 Along with emotional pain, Jaydin experiences physical pain on a daily basis.
 13 Jaydin is currently participating in ongoing osteopathic manipulative therapy due to
 14 his scoliosis. Despite the daily pain, he is not taking any pain medication, although
 15 prior to his arrest, he ingested marijuana which significantly eased the pain.

16
 17 ² *Id.* at 255.

18 ³ Jack T. Donson, *Prison Accommodations. Representing People with Autism Spectrum*
 19 *Disorders*, Elizabeth Kelley, Editor, p. 157. Jack Donson is a former BOP employee
 and is now a BOP policy expert and advocate. He runs My Federal Prison
 Consultant, LLC.

1 **5. He is in a better place**

2 Jaydin is now in weekly counseling, has stable housing, receives social
3 security disability income⁴ and has a support network. A prison sentence would
4 deprive him of these services.

5 **II. CONCLUSION**

6 Probation is the appropriate end. Having an additional support network will
7 held Jaydin when all of the world's troubles are crashing down upon him and he
8 feels the need to save the world.

9 A variance is appropriate because his motive was right. A sheriff should
10 enforce the law.

11 Dated: September 2, 2020.

Federal Defenders of Eastern Washington & Idaho

12
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18 ⁴ Jaydin asks that the Court waive the \$1,425.10 outstanding balance for the
19 location monitoring costs during pretrial release. He receives \$763 in social security
and \$193 in food stamps per month. He does not have the income to pay this
balance.

SERVICE CERTIFICATE

I certify that on September 2, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will notify Assistant United States Attorneys: Patrick Cashman.

s/Andrea K. George

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